



Richland Springs I.S.D.

700 W. Coyote Trail • Richland Springs, Texas 76871

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December 5, 2007

CC: 02-6

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: CC Docket No. 02-06

Entity appealing:

Richland Springs ISD
Billed Entity Number: 141176
Contact: Travis Winn 700 West Highway 190 Richland Springs, Texas 76871
Phone: 325-452-3524
Fax: 325-452-3230
Email: traviswinn@rsisd.org

Decision appealed:

Administrator's Decision On Appeal – Funding Year 2002-2003
Date of document: 10/16/2007
471 Application # 288683
FRN's: 737821, 737824 & 737826

Richland Springs ISD is seeking a Request for Review from the FCC.

Regarding funding year 2002-2003, FRN's 737821, 737824 & 737826 were approved in full. However, approximately five years passed and we received a Notification of Commitment Adjustment Letter dated April 24, 2007. This letter stated that Richland Springs ISD failed to post a new FCC Form 470 before extending its existing contract and failed to comply with the competitive bidding requirements therefore funding for FRN's 737821, 737824 & 737826 is being rescinded.

In response to the USAC April 24, 2007 letter, a letter dated June 18, 2007 was submitted. This letter clearly outlined and documented how Richland Springs posted a new FCC 470 and complied with competitive bidding requirements.

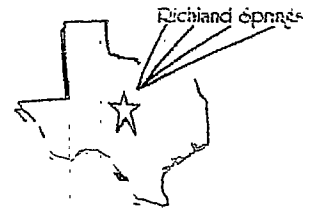
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"Making Tracks for Excellence"



Richland Springs I.S.D.

700 W. Hwy. 190 • Richland Springs, Texas 76871



June 18, 2007

Letter of Appeal
Schools and Libraries Division
Dept. 25 – Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

RE: Appeal

Entity appealing:

Richland Springs Independent School District
BEN: 141176
Travis Winn
700 West Highway 190
Richland Springs, Texas 76871
Phone: 325-452-3524
Fax: 325-452-3230
Email address: traviswinn@rsisd.org

Decision appealed:

Notification of Commitment Adjustment Letter
Date of Document: April 24, 2007
Funding Year 2002
471 Application # 288683
FRN: 737821, 737824, & 737826
SPIN: 143004099

Subject of the Appeal:

According to the Commitment Adjustment Letter, FRN's 737821, 737824, & 737826 are denied because Richland Springs ISD failed to post a new FCC Form 470 before extending its existing contract and therefore failed to comply with the competitive bidding requirements.

Explanation:

The explanations and documents presented below clearly show the intent and good faith effort of Richland Springs ISD and their E-rate consultant to comply with all rules and guidelines for Funding Year 2002.

"Maximizing Tools for Excellence"

It is the opinion of Richland Springs ISD that they clearly:

- (1) Established an Internet Access contract in Funding Year 2001 that would be renewed annually;
- (2) Cited their intent for Internet Access services by posting a new Form 470 for Funding Year 2002 before extending the existing contract;
- (3) Complied with competitive bidding requirements; and
- (4) Cited their intent to renew the existing Internet Contract by referencing the establishing Form 470 Application Number 913740000296602 on Form 471 Block 5 for Funding Year 2002 FRN's 737821, 737824, & 737826.

The above-mentioned explanations are supported by the following Form 470 & Form 471 facts:

Funding Year 2001

For Funding Year 2001 the E-rate consultant on behalf of Richland Springs ISD posted a Form 470 (Application # 913740000296602) on 09/26/2000 on the USAC website and, after waiting 28 days, Richland Springs ISD entered into a contract for Internet Access with Central Texas Communications (SPIN 143004099). According to the contract, "the term will be from July 1, 2001 and continue through June 30, 2002 and will be renewed annually." Specifically, the contract will be renewed for another year and does not convert to a month-to-month contract. Furthermore, according to the Richland Springs E-rate consultant, this is the establishing Form 470 for Internet Access and is to be referenced on future Forms 471 until a new contract is signed. It is important to note that no new contract was signed during the 2001-2006 E-rate Funding Years.

Funding Year 2002

For Funding Year 2002 the E-rate consultant on behalf of Richland Springs ISD posted a new Form 470 Application Number 883760000370472 on 10/15/2001.

Form 470 Block 2, Item #7:

- o The Richland Springs E-rate consultant read this statement: "*Note: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470*" and interpreted it to mean that no new contract was needed because a contract for Internet Access was previously executed pursuant to posting of new a Form 470 and an existing contract was in place and is to be renewed annually.
- o Specifically, The contract extension was not reported on Block 2 Item #7 because a signed, written contract executed pursuant to posting of a Form 470 in a previous program year (specifically Funding Year 2001) was in place AND the Funding Year 2002 Form 470 did NOT list multi-year or voluntary extensions as

an option for the applicant to check (✓). As a result, Richland Springs was not able to cite voluntary contract extensions for Funding Year 2002 on Form 470.

Form 470 Block 2 Item #9:

- The establishing contract as cited on Form 470 Application # 913740000296602 was extended each year for an additional year with the extension being indicated on the cited Funding Year 2002 Form 470 Block 2 Item #9 as the E-rate consultant checked (✓) that Internet services were being sought. Richland Springs then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Form 471 Application Number 288683 was submitted and cited the establishing Form 470 Application Number: 913740000296602 for Internet access on the following Block 5's.

- Block 5, FRN: 737821
 - Category of Service: Internet Access
 - 470 Application Number: 913740000296602
 - Contract Award Date: 12/20/2000
 - Service State Date: 07/01/2002
 - Contract Expiration Date: 06/30/2003
- Block 5, FRN: 737824
 - Category of Service: Internet Access
 - 470 Application Number: 913740000296602
 - Contract Award Date: 12/20/2000
 - Service State Date: 07/01/2002
 - Contract Expiration Date: 06/30/2003
- Block 5, FRN: 737826
 - Category of Service: Internet Access
 - 470 Application Number: 913740000296602
 - Contract Award Date: 12/20/2000
 - Service State Date: 07/01/2002
 - Contract Expiration Date: 06/30/2003

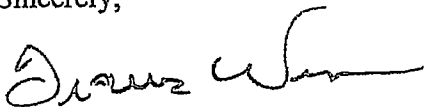
It is important to note that Richland Springs ISD established a pattern of referencing the establishing Form 470 Application number for Internet Access on Form 471 Block 5 for these consecutive Funding Years: 2001, 2002, 2003, 2004, 2005 and 2006.

The following forms are attached are attached to support the above-mentioned statements.

- Copy of the Funding Year 2001 Form 470 (Application Number 913740000296602), which clearly documents this form as the establishing Form 470 for the Internet Access contract.
- Copy of Form 470 & Form 471 for Funding Year 2002 to support and document the intent and good faith effort of Richland Springs ISD to post a new Form 470 and cite the request for Internet access on Form 470 before extending the existing contract; comply with bidding requirements; and to reference the establishing Form 470 Application Number on Form 471 Block 5 for FRN's 737821, 737824, & 737826.

Because these documents show that Richland Springs ISD posted a new FCC Form 470 before extending the existing contract; they referenced the establishing Form 470 for the Internet Access and complied with the competitive bidding requirements, Richland Springs ISD is respectfully requesting USAC to dismiss the Funding Commitment Adjustments for FRN's 737821, 737824, & 737826.

Sincerely,

A handwritten signature in dark ink, appearing to read "Travis Winn", with a stylized flourish at the end.

Travis Winn
Superintendent
Richland Springs ISD

Central Texas Communications, Inc.

"Your Telecommunications Link to the World"

May 15, 2007

Richland Springs ISD
Travis Winn, Superintendent
700 W. Coyote Trail
Richland Springs, Tx 76871

RE: USAC Notification of Commitment Adjustment Letters for Funding Years 2002, 2003, 2004, & 2005.

As your Internet Access provider, we received copies of the Notification of Commitment Adjustment letters for Funding Years 2002-2005. From our careful review of the letters, we determined an explanation regarding the renewal of the Internet Access contracts was in order.

A contract for Internet Access was signed in December 2000 for the 2001 funding year. The language in the contract states "the term of this contract shall be from July 1, 2001 and continue through June 30, 2002 and will be renewed annually." The automatic renewal of the contracts begins July 1st and continues through June 30th in order to correspond with the E-rate funding cycle. This contract continues to renew annually each July 1st and continue through June 30th until a new contract is signed or unless the contract is terminated. It is important to note the contract signed in December of 2000 has not been terminated and no new contract has been signed during the 2001-2006 funding years.

If you have further questions regarding the Internet Access contracts please feel free to contact us.

Sincerely,

CENTRAL TEXAS COMMUNICATIONS, INC.

Brandi Coronado

Brandi Coronado
Staff Accountant

October 8, 2007

Jose Diaz 973-599-6525
Associate Manager
Program Compliance Unit

RE: Richland Springs ISD, Application Number: 288683, FRN's 737821, 737824, and 737826

Mr. Diaz,

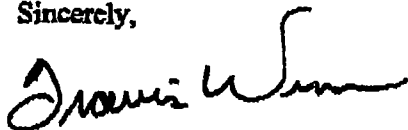
Richland Springs ISD complied with all local and state procurement laws regarding Funding Year 2002. However, Richland Springs is unable to locate a copy of the original Internet contract signed in December 2000. The contract was signed by the previous Superintendent, Ray Matthews, who is no longer at Richland Springs and signed by Central Texas Communications. Mr. Matthews' files were searched but the contract was not located. This is clearly a misplacement of paperwork and therefore the district should not be financially penalized because a contract was misplaced. This is not a case of a waste, fraud or misuse of funds.

Central Texas Communications has written a letter stating the 2000 Contract was signed both parties and was not terminated and no new contract was signed during the 2001-2006 funding years. This letters supports that Richland Springs had some form of an agreement with Central Texas Communications, the Internet Service Provider before submitting their FCC Form 471. In **Adams County School District 14, Commerce City, Colorado, et al.**: the FCC granted a limited waiver of rule 54.504(c) for circumstances similar to Richland Springs.

Furthermore, these mistakes do not warrant the complete rejection of this application for E-rate funding. Importantly, this appeal does not involve a misuse of funds. The Commission recently found in *Bishop Perry Middle School* that, under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Act - ensuring access to discounted telecommunications and information services to schools and libraries - and therefore does not serve the public interest.

Richland Springs respectfully requests USAC to review the attached letter from Central Texas Communications and the FCC Appeal regarding **Adams County School District 14, Commerce City, Colorado, et al.** as these documents will support the Richland Springs appeal to be approved.

Sincerely,



Travis Winn
Superintendent
Richland Springs ISD